App F IX 4

Previous References
LB 57-29 (1-2)

1930 ( )

File No 37-30
Serial Nos 874102

Later References
Ad C 159-31 - 1, 2
" 63-33 GS 3, 14, 27
[illegible]
LB 43-43 (2, 3)

PRESERVED

General and Revenue Secretariat.

Serial Nos 2

Part B for July 1931

SUBJECT

Bills of certain officials of the Holenarsipur Taluq who attended criminal courts as witnesses

---

102) The D C Hassan
" D Cs of Other Dists
" Presidents of Dt BDs thro DCs
" Comptroller
Registrar High Court of Mysore

L 8686-8701 Dy 2-11-4-31

In modification of the previous order directs that the C of the Local Board Employees attending Court as witnesses be paid by the Local Boards concerned as it is their responsibility.

CIC 14 8 31

General and Revenue Secretariat | MC File No 37 of 1930

Serial No 87

Letter no J 232-30 dy 30/31 Dec Assam forwards for sanction the T.A. bills of certain officials of the Police department who attended criminal courts as witnesses, which have been objected to by the Comptroller as not being a legitimate charge on the Local funds

Govt no L 2562-29 LB 57-29 2 dy 23 9 30, it was directed that the T A etc charges of the employees of the Dt Boards attending criminal Courts as witnesses be debited to Govt for the reason that the Comptroller considers that Special sanction of Govt is required to bear the charges from State funds as the order quoted above refers only to Dt Board employees.

2 The order has to be made applicable to these employees also, as there is

Co tn sheet

General and Revenue Secretariat L & R

3944

App F III—2]

MCC File No 37 of 1930

Serial No

is no provision in the MCC Regn for meeting the charge out of MCC funds. The H Branch have perhaps to be consulted, as the charge has to be debited to State funds

1/ 13-2-31

Gen Secy) 13 2.31

3 A- 4/ Rly (14) 2

H Secy)

4 Submitted Govt no L 2562-79 LB 31-29 2 D 23 9 1930 (Flag H) is read by Comptroller as applicable only to District Boards and not to all Local Bodies. The objection under reference pertains to the Hoshangabad Municipality

20 2 31

5 The order dated 23 9 30 refers to District Boards and not to all local bodies. Sanction of the proposed expenditure incurred reported

101 20/2

Contn sheet

App F III—2]

General and Revenue Secretaria | File No | of 192

Serial No

Hereon
on Dlt Magistrates letter dated 30th January 31 has
to be authorized and sanctioned to be
admitted in audit ~~at Calcutta~~

AAO
20/2/31

To Secy,

6 The Comptrollers objection is correct
The officials had pl batta admissible under
the rules of the Courts and the Cost of Govt.
The TA cannot be charged to the Mil fund
Flag A is applicable to Dl Boards
as well as other local bodies & they
in charge. The decision given in the
last sentence may also if general
application -

Secy
23/2/31
A

7 RR
28/2/31

8
Sent with a
Draft &c ~~Contract~~ for ord

App
28/2 Please put up a
typed draft

VS
28 2 31

9
Typed draft noted

App (2nd Member
4/3 3rd Member) VS
5 3 3

OFFICE OF THE
SECRETARIAT
6 MAR. 1931
No. 8244

NOTE—Contd sheet

General and Revenue Secretariat | MC File No 37 of 1930

Serial No

10

What does this* really mean? Can employ[illegible] mean be treated as members of the Judicial profession or Court as entities?

Lee 7/3/31 VS

*inserted with the Court"

R 7/7

11 The file may be sent for note to Legislative with reference to para 6 Secretary

Mr D Gen Secy 10/3 VS 11 3 31

12 Lee 11 3 VS

R 3289 12/3/31

Fin. Dept with Compts

RD 12.3.31

7396 12/3

13 The expression - Thereby of the Court borrowed from Art 623 24 when it occurs the Law Dept may be referred to for additional information -

As regards the other point as to the members mentioned, my answer is in the affirmative

L 13 3 31 VS

Gen Secy)

Law Secy with Compts Lee 14/3 VS

286 last

14 Memorandum to be sent to Crumb Rubber Manufacturers & Crumb Buyers & Brokers.

NOTE—Contn Sheet

WD 0 3— 0000—GPB—37 0

File No | of 193 | General and Revenue Secretariat

The rules of the Court in regard to payment of batta to witnesses are contained in pages 79 to 82 of the Criminal Rules & Orders Vol I They do not concern any persons who for payment of batta to official witnesses for they are paid for in the respective Departments

In the West in third Class Mamlatdars Courts and Subordinate Judges Courts have to the Given Rs 4 on the Scale payable to non-official witnesses, it may perhaps be made clear in the G.O and No

See 1913 Bde 25/3

So far as members of the general public are concerned no batta is ordinarily payable to witnesses in Criminal Courts. Payment can be made only to such as are poor or to those who have been put to considerable expense in attending the Court" (Page 79 Criminal Digest)

General and Revenue Secretariat | File No | of 193

Serial No

18 In the case of officers Article 623 of the Service Regulations enables them to claim travelling allowance when they are summoned to depose to facts which have come to their knowledge in official capacity The word officer is not defined in the Regulation so as to include municipal employees Treating them therefore as ordinary member of the public they can claim batta only where the conditions referred to in Criminal Digest apply

19 It is not clear what course would be followed where a municipal servant may appear and depose in his official capacity in relation to some municipal matter If the municipal employees are to be treated as in the case of Govt officers they would have to be allowed to draw travelling allowance presumably from Municipal funds Where the Municipal employee deposes however in his private capacity, he can only look to the Criminal Court for payment where permissible

The C O may perhaps clear up all these points

Secy)

Gen Emp Work Comps

20 Submitted with reference to Hon Member's note appearing to suport

2nd Member)

RR 6/4/31

ICE OF THE
7 APR 931
No. 9217

NOTE—Contn Sheet

3944

MC File No 37 of 1930 | General and Revenue Secretariat

21 I think the proper course to take is that when a member of L B employee attends a court to give evidence on facts which have come to his knowledge in his capacity as such employee, he may be asked to give any the passages was in dispute

be
7-4-31

RR
8/4

3rd Member) VS
8 4 31

22 I agree with the 2nd Member

B
5/4/31

RR
9/4/31
VS

23

A reference to draftsman and the

Hon VS
10/4
11 3rd Member) VS
11 4 31

6793

B
13/4/31

RR
13/4/31

Issue
VS
13 4 31

OFFICE O TH
T M
6678

3944 f

General and Revenue Secretariat | Jul. File No 37 | App F III—2] of 1930

Serial No 602

L-O no. K 8686-9701 Dy 24-4-31

Re modification of the previous order directing that the T-A of the Local Boards' employees attending Court as witnesses be paid by the Local Boards concerned as if the journey was performed on duty

Print Dsn 25/4

1072 19/5/31

GEN & REV SECTT. 10 JULY 1931 L B BRANCH

Address—Dismag Hassan

OFFICE OF THE DISTRICT MAGISTRATE
HASSAN DISTRICT

In reply please refer to
No Rm 232-30
Encl 2 in office

Dated Hassan the 01st January 1931,

Rl 37-30-87

5426/R

3944 SECTT

L & C BRANCH

From

S ABDUL WAJID Esq B A
District Magistrate Hassan District

To

P [illegible], Esq, [illegible],
Secretary to the Government of [illegible]
Law Department,
Bangalore

Sir

In submitting herewith the marginally noted files of papers regarding the adjustment of certain sums paid by the Olenarsipur Municipal Council, as travelling allowance to officials who attended Criminal Courts as witnesses, and objected to by the Comptroller as not being legitimate charges on the Municipality, I have the honor to state that the Registrar, the High Court of Mysore, who was addressed in the matter returned the papers with the observation that necessary action may be taken in accordance with Govt Order No 51-30-2 dated 20th September 1930 regarding payment of attendance at Government cost

1 File ending with Olenarsipur Municipal President's report No A G11/28-27 dated 0-1-1 re adjustment of Rs-12-0 paid to A Raghavendra Char, Sanitary Inspector

2 File ending with Olenarsipur Municipal President's report No A61 12-9/30-27 dated 17-1-1931 re adjustment of [illegible] paid to Basikachar and Raja [illegible] of the Olenarsipur Municipality

The Comptroller who is accordingly requested to waive the objections has in his turn returned the papers and [illegible] that the [illegible] referred to [illegible] relate to expenditure [illegible] the District Board and that the amount [illegible] be admitted in audit [illegible] of Government

orders as Government may deem fit to pass

I have the honor to be,
Sir,
Your most obedient servant,

/Illegible

District Magistrate,
Hassan District

Ml 37-30
Sa 102

Proceedings of the Government of His Highness the Maharaja of Mysore

---

Read -

Government Order No L 2562-79/L B 51-29-2 dated 23rd September 1930 directing that the employees of District Boards attending Court as witnesses on behalf of the -- Police Department, be given batta under the rules of the Court and the charge met by Govt

2 Letter No J 1-232-30 dated 20th January 1931, from the Deputy Commissioner Hassan requesting sanction to certain -- amounts paid by the Hole-Narsipur Municipal Council towards travelling allowance etc to the Municipal officials who attended Criminal Courts as witnesses which have been objected by the Comptroller as not being a legitimate charge on the funds of the Municipality

---

Order No L 8686-8701

--

In representation, the order dt 23-9-30 read above, Govt direct that where a Local or Dist Board employee attends a court to give evidence or produce documents which have come to his knowledge in his capacity as such

The granted I A from the
funds of the said Body, in manner as
of the journey was
performed or duly

11 4 31

Print as S-V

45 for Geneseo

4/4/31

Ltr. 1911

To the D.C. Harrison with receipt
the duly sworn & stated Accounts
the Proofs of Attendances in respect thereof
the Certificates
the Registration Requirements
copy to Principal & Secs.?

Print

Government of his highness the Maharaja of Mysore

GENERAL AND REVENUE DEPARTMENTS

G O No L 8633 8701—Mi 37 30 10, dated 24th April 1931

Travelling Allowance

Directs that Municipal or District Board employee attending Court to give evidence on facts which have come to their knowledge in their official capacity be granted — — out of the funds of the Local Bodies as if the journey was on duty

=

Ri

Government Order No L 2562 79—L B 31 29 dated 2nd September 1930 directing that the employees of District Board attending Court as witnesses on behalf of the Local Boards Department be given batta under the rule of the Court and the charge met by Government

Letter No J 1 232 30 dated 30th January 1931 from the Deputy Commissioner Hassan District requesting sanction to certain amounts paid by the Holenarsipur Municipal Council towards travelling allowance etc to the Municipal officials who attended Criminal Courts as witnesses which have been objected by the Comptroller as not being a legitimate charge on the funds of the Municipality

ORDER No L 8686 8701—Mi 37 30 10, DATED 24TH APRIL 1931

In supersession of the order dated 23rd September 1930 read above Government direct that when a Municipal or District Board employee attends a Court to give evidence on facts which have come to his knowledge in his capacity as such employee he will be granted travelling allowance from the funds of the Local Body concerned as if the journey was performed on duty

R RANGA RAO
General Secretary to Government

The Deputy Commissioner Hassan District with records
All Deputy Commissioners of other Districts
The Presidents of District Board through the Deputy Commissioners of District
The Comptroller to Government
The Registrar High Court of Mysore